

AJC TRIGGERS ARBITRATION

On March 29, 2008, AJC and the employer attended before mediator Kevin Burkett to deal with salary issues, having met on two previous occasions with the mediator in an effort to resolve non-monetary issues.

It became readily apparent that Treasury Board is not prepared to seriously consider AJC's proposal to bring our salaries more in line with appropriate comparators, including our colleagues in the private and public sectors and judges.

The AJC tabled a complete proposal, including a detailed compensation proposal, in November, 2006. Since then the AJC has been seeking Treasury Board's monetary counterproposal, but these requests had yielded nothing -- until this weekend.

TREASURY BOARD'S PROPOSAL: A CALCULATED INSULT

After all this time, this is what Treasury Board tabled.

The employer proposes a 1.5 per cent annual economic increase retroactive to April 28, 2006, over a three or four year period. Even more telling in terms of the employer's lack of seriousness about reaching a negotiated settlement, and lack of respect for its lawyers, is its proposal to eliminate performance pay for LA1s and LA2As. Indeed, Treasury Board stated that it is not committed to continuing the performance pay regime for LA2Bs and above. Moreover, Treasury Board has proposed no mechanism for LAs to progress through salary ranges.

We told Treasury Board that its proposal is not to be taken seriously, and is disrespectful and insulting. As well, we told the employer that its proposal was calculated for rejection, and left us with no choice but to initiate the arbitration process.

WHAT'S NEXT: BINDING ARBITRATION

The parties will now attempt to reach agreement on the chair of the arbitration board. The mediator has offered to assist the parties in that regard. It is always preferable for parties to a collective bargaining dispute to agree on the arbitrator, rather than having one imposed on them.

Indeed, in the AJC's view, this is even more critical in this round of bargaining. This will be the first collective agreement for federal government lawyers. Having been denied the right to engage in free collective bargaining for decades, federal lawyers deserve an arbitrator whose independence is beyond reproach.

Under the Public Service Labour Relations Act, if the parties cannot agree on a chair of the arbitration board, the chair will be appointed by the Chair of the Public Service Labour Relations Board, a position which itself is appointed by the federal government.

We strongly believe that the legitimacy and independence of the arbitration process will be enhanced if Treasury Board commits to reaching mutual agreement with the AJC on the chair of the arbitration board, or at least to a truly independent process for appointing the chair. This would be far preferable to the federal government relying on one of its own appointees to select the chair to a board of arbitration before which the federal government itself (as employer) is one of the parties.

IT'S ABOUT RESPECT

Throughout bargaining, the AJC negotiating team has been guided by the principle that before proceeding to arbitration, we should make every reasonable effort to engage on our issues at the bargaining table with the employer, in good faith. We have represented your interests forcefully but respectfully. The employer's monetary proposal from this weekend does not demonstrate a reciprocal level of respect.

We are well aware that, as professionals providing the highest quality legal services to Canadians, AJC members often work above and beyond the call of duty. The time has come for our employer to recognize that this must be reflected in fair and reasonable compensation.

The AJC is dedicated to reflecting your concerns as we proceed with the arbitration process. We will now turn to putting our best case forward at arbitration. In the meantime do not hesitate to let management know your dissatisfaction.

We will continue to keep you informed as the arbitration process unfolds.